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REMARKS

The Final Office Action mailed on November 2, 2006 has been reviewed and the Examiner's comments have been carefully considered. Claims 14-23 were previously canceled. Claims 24-30 were added and submitted in the Response dated August 8, 2006. New dependent claims 31-37 are now added. Claims 1-13 and 24-37 are now pending in this case.

Applicant's Response made after the Final Rejection, and submitted on January 2, 2007, was not entered. Please note that this entire Response and claim amendments replace that which was submitted after the Final Rejection.

Independent claims 1, 29 and 30 are currently amended to correct antecedent basis.

Claims 13 and 27 are now amended to further specify the working fluid. Support for the amendment is found in paragraphs 0123 and 0124 of the written description as filed.

New claims 31-33, 36-37 are added to further recite method steps to regulate the temperature of the wash chamber. Support for the new claims is found in paragraphs 0067-0068 of the written description as filed.

New claims 34 and 35 specify a working fluid comprising a polysiloxanes. Support for the amendment is found in paragraphs 0123 and 0124 of the written description as filed.

Support for recitation of the flash point of the working fluid in claim 37 is found in paragraph 0117 of the written description as filed.

In response to the rejections of claims 1-13 and 24-30 under 35 U.S.C. §103(a) as being unpatentable over the primary reference of Flynn et al. (U.S. Patent No. 5,962,390) in view of the secondary references (Dickey, DePas et al., Tatch and Krugman), Applicants submit the following arguments below.

In addition, Applicants are hereby filing an Affidavit under 37 C.F.R. §1.131 to swear behind the reference and to remove it from consideration. The Affidavit and supporting documents show that the Applicants had conceived of and diligently reduced to practice the method recited in the independent claims prior to the effective date of Flynn et al.

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I. Rejections of Claims 1-13 and 24-29 under 35 U.S.C. §112, second paragraph

In the Office Action dated November 2, 2006, claims 1-13 and 24-29 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The USPTO states that Claims 1 and 29 recite "agitation cycles" and claims 2-12 and 24-28 are dependent from claim 1 and inherit the same deficiency.

Applicants hereby amend claims 1 and 29 to recite "oscillations" to correct antecedent basis.

Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-13 and 24-29 under 35 U.S.C. §112, second paragraph.

II. Rejection of Claims 13 and 27 under 35 U.S.C. §112, second paragraph

Claim 13 stands rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 is now amended to further specify the working fluid, and as mentioned above, support for the amendment is found in paragraphs 0123 and 0124 of the written description as filed. The flash point of the specified working fluids can be easily determined by one of ordinary skill in the art. Such information can be found on commercial materials data sheets and published references.

In addition, Applicants wish to further note that the working fluid as originally claimed is clearly defined for the reasons provided in Applicants' Response dated August 8, 2006. Claim 13 depends from claim 1 which recites a method of cleaning, which among several elements of the method claims, recite the use of "substantially non-reactive, non-aqueous, non-oleophilic, apolar working fluid." Applicants maintain that these chemical property terms are definite because they are well-known to those of ordinary skill in the dry-cleaning arts. One skilled in the art of dry-cleaning would know, or be able to test decisively, whether a compound has each one of these properties and falls into the metes and bounds of the method as claimed.

Claim 27 depends from amended claim 13 and therefore is definite for the same reasons described with respect to claim 13.

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Accordingly, Applicants respectfully request withdrawal of the rejection of claims 13 and 27 under 35 U.S.C. §112 as being indefinite.

III. Rejection of claims 1-13, 24-30 under 37 U.S.C. §103(a) as being unpatentable over Flynn et al. (US 5,962,390) in view of the secondary references.

Claims 1-13 and 24-30 stand rejected under 37 USC §103(a) as being unpatentable over the primary reference Flynn et al. (US 5,962,390) in view of secondary references as described below.

A. Claims 1-5, 13, 24, 27, 29 and 30 are not obvious under 35 USC 103(a) over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118).

Claims 1-5 and 13 stand rejected under 35 USC §103(a) as being unpatentable over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118). The USPTO states that it would have been obvious for one of ordinary skilled in the art to modify Flynn, et al., which discloses methods of cleaning fabrics, to incorporate the agitation means taught by Dickey for improved mixing of the working fluids and fabrics during dry cleaning.

Applicants maintain that a *prima facie* case of obviousness under 35 USC §103(a) has not been established by the cited art of record. Flynn et al. does not disclose a method of cleaning in an automatic laundering apparatus using an inert working fluid (IWF), that is, a substantially non-reactive, non-aqueous, non-oleophilic, apolar working fluid. Applicants' invention is a departure in thinking of pre-existing cleaning methods which has led to a counter-intuitive approach to cleaning fabric. Previous to Applicants' invention, "bulk carriers" or "working fluids" used in the dry-cleaning methods involving a laundering apparatus used chemicals specifically chosen to chemically clean the fabric. These detergents bulk carriers were sometimes used in conjunction with a wash adjuvant which were used to further clean the clothes, or which were provided to function as surfactants, fabric softeners, perfumes, etc.

Applicants were the first to conceive of a method for cleaning a load of fabrics in a washing machine which could be achieved using an substantially inert working fluid (IWF) that is not damaging to the fibers. Inert action relies significantly on mechanical cleaning and

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thermal action and less on chemical cleaning. Applicants have found, surprisingly, that fabrics could be well cleaned by a method in which a working fluid, or the bulk fluid is a substantially inert working fluid (IWF) provided it is used in conjunction with an adjuvant. Initial fluids selected and analyzed for use as the working fluid were chosen by the Applicants on the basis that the inert working fluids would do little or no cleaning, and adjuvants were selected for their chemical properties. These experiments led to the surprising result that cleaning could be done with little or no chemical action resulting from the working fluid or bulk fluid. This led to the choice of other fluids that were relatively inert, and which would not be considered as a solvent or working fluid by those of ordinary skill in the industry, while also leading to fluids that had favorable properties and cost advantages while still obtaining the benefit of this cleaning method breakthrough. Thus, Applicants' method discloses the use the traditionally known cleaning chemicals as an adjuvant rather than in the bulk fluid. This was the beginning of a complete paradigm shift for the dry-cleaning industry. In addition to the fact that the traditionally known cleaning chemicals can be detrimental to fabrics or clothes, Applicants invention avoidance of the many detrimental environmental effects of the traditionally known cleaning chemicals used in the working fluid or bulk fluid.

Applicants' method claims recite a class of inert working fluids, among other elements of the method, which are known or readily discernable by one of ordinary skill in the art. That is, one of ordinary skill in the art would easily be able to determine, based on the described invention, whether a particular compound would constitute an inert working fluid and that the traditionally known chemicals used in cleaning, in bulk fluids and in adjuvants, would not qualify as such. Thus, while the traditional solvents, or working fluids, continue to be used in the dry-cleaning industry to effectively clean fabrics, Applicants have discovered that the working fluid need not contain these traditional solvents or working fluids as the primary cleaning ingredients.

Since the time of filing Applicants' pending patent application, which claims a priority date of April 29, 1996, other companies (some of which are suppliers to Assignee) have since disclosed species compositions of Applicants' class of compounds for the inert working fluid (IWF).

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The Dickey reference uses traditional detergents cleaning solvents used as the bulk or working fluid in addition to the adjuvants to clean. The dry cleaning method of Dickey does not involve a substantially non-reactive, non-aqueous, non-oleophilic, apolar inert working fluid (IWF) or a reliance significantly on mechanical cleaning by the working fluid. While the teachings of Flynn et al. describe spot or stain cleaning chemicals rather than the bulk carrier fluid in an automatic laundering apparatus the teaching of the references must be taken for what it fairly suggests. The method which recited in claim 1 including the combination of a substantially non-reactive, non-aqueous, non-oleophilic, apolar working fluid in an automatic laundering apparatus, is uniquely found in only the claims of the instant application.

Applicants respectfully request withdrawal of the rejection of claims 1-5, 13, 24, 27, 29 and 30 under 35 USC §103(a) as being obvious over Flynn et al. in view of Dickey.

B) Claim 6 is not obvious under 35 USC 103(a) over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118) and further in view of De Pas et al. (US Patent 3,163,028).

Claim 6 which depends from claim 1 stands rejected under 35 USC 103(a) as being unpatentable over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118) and further in view of De Pas et al. (US Patent 3,163,028).

Applicants' maintain that a prima facie case of obviousness under 35 USC 103(a) has not been established by the cited art of record, for the reasons described above, namely, that one of ordinary skill in the art would not be motivated to use the inert working fluids (IWF) as the bulk fluid in a automatic laundering apparatus, and would not be motivated to combine Flynn and Dickey to arrive at Applicants' invention.

Accordingly, Applicants respectfully requests withdrawal of this claim 6 rejection as being unpatentable over Flynn et al. in view of Dickey, and further in view of De Pas et al.

C) Claims 7 and 10 are not obvious under 35 USC 103(a) over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118) and further in view of Tatch et al. (US 5,431,827).

Claims 7 and 10 are rejected under 35 USC 103(a) as being unpatentable over Flynn et al.

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(US Patent 5,962,390) in view of Dickey (US 3,410,118) and further in view of Tatch et al. (US 5,431,827).

Applicants respectfully submit that a prima facie case of obviousness under 35 USC 103(a) has not been established by the cited art of record, for the reasons described above.

Applicants respectfully requests withdrawal of the rejection of claims 7 and 10 as being unpatentable over Flynn et al. in view of Dickey, and further in view of Tatch et al.

D) Claims 8, 9, 11, 25, 26, and 28 are not obvious under 35 USC 103(a) over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118) and Tatch et al. (US 5,431,827) and further in view of Krugmann (US 4,252,546).

Claims 8, 9, 11, 12, 25, 26 and 28 are rejected under 35 USC 103(a) as being unpatentable over Flynn et al. (US Patent 5,962,390) in view of Dickey (US 3,410,118) and Tatch et al. (US 5,431,827) and further in view of Krugmann (US 4,252,546). The USPTO states that it would have been obvious to one of ordinary skill in the art to modify Flynn et al. by incorporating the water condensation means taught by Krugmann et al. involving solidification of water.

Applicants' maintain that a prima facie case of obviousness under 35 USC 103(a) has not been established by the cited art of record for the reasons described above with respect to Flynn et al. in view of Dickey and further in view of Tatch.

With respect to claim 28 which is dependent from claim 10, the cited references in combination do not disclose a method for cleaning in which the working fluid is passed through the membrane filter, producing a working fluid (permeate) which is then filtered through the permeate filter.

With respect to claims 29 and 30, the USPTO states that it would have been further obvious to optimize the cleaning and drying steps by randomizing and repeating the oscillation steps only require routine skill in the art.

Applicants have found that randomized oscillation during the wash cycle (as recited in claim 29) and randomized oscillations during the dry cycles (as recited in claim 30) result in improved cleaning in less time utilizing the inert working fluids (TWF) and also improved fabric care. In a wash method which involves an inert working fluid as the bulk carrier, improved

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cleaning which yields improved fabric care in yet an efficient manner, is an advancement in the art. Applicants respectfully submit that one of ordinary skill in the art would not be motivated nor inclined to develop randomized cleaning and drying for improved fabric care utilizing the traditional chemically detergents working fluids that have been used for years.

Accordingly, Applicants respectfully request withdrawal of rejection of claims 8, 9, 11, 12, 25, 26 and 28 as being unpatentable over Flynn et al., in view of Dickey, further in view of Tatch et al., and further in view of Krugmann et al.

E) Affidavit under 37 C.F.R. §1.131

Applicants are hereby submitting an Affidavit under 37 C.F.R. §1.131 to swear behind the reference of Flynn et al. U.S. Patent No. 5,962,390 (Ser. No. 08/649,361) and to remove it from consideration. The Affidavit and supporting documents show that the Applicants had conceived of and diligently reduced to practice the method recited in the independent claims prior to the filing date of Flynn et al. on May 17, 1996. The supporting documents also show that Applicants identified working fluids that are inert and effective, and have identified several non-exclusive candidates. One such document shows Fluoroinert and describes certain desirable chemical qualities, including that it has no detergents qualities and is non-reactive. In short, the documents evidence a conception and reduction to practice, thus removing the reference from consideration.

Applicants' patent application 10/699,920 is a continuation-in-part of Ser. No. 10/420,115 now US 6,766,670 issued July 27, 2004, claiming benefit from provisional application no. 60/045,072 filed on April 29, 1997 (the effective filing date).

Flynn et al. U.S. Patent No. 5,962,390 (Ser. No. 08/649,361) filed on May 17, 1996 and issued on October 5, 1999 is a continuation-in-part of application No. 08/573,416 filed on December 15, 1995, and which is a continuation of application No. 08/375, 812, filed January 20, 1995 now abandoned.

Accordingly, Applicants respectfully request withdrawal of rejection of claims 1-13 and 24-30 under 35 U.S.C. §103(a) as being unpatentable over the primary reference of Flynn et al. (U.S. Patent No. 5,962,390) in view of the secondary references (Dickey, DePas et al., Tatch and Krugman).

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Conclusion

In summary, Applicants believes that this Amendment is fully responsive to the Final Office Action mailed on November 2, 2006, and that Applicants' claims include features that patentably define over the cited references. It is respectfully requested that for the foregoing reasons claims 1-13 and 24-30 new claims 31-37 of this application be found in condition for allowance.

If the Examiner believes there are any further matters, which need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0959, referencing our Docket No. 094342.0031.

Respectfully submitted,
ROETZEL & ANDRESS

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